

FILED
IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
WAYCROSS DIVISION

2008 DEC 12 PM 1:34

CLERK R. Aut
SO. DIST. OF GA.

BERNARD MILLER; RODNEY
EVANS; CLIFFORD ALLEN ANGLE;
and BRIAN ANDREWS,

Plaintiffs,

v.

DEBRA STONE, Kitchen Supervisor;
TERESA L. SMITH, Superintendent,
and BACON COUNTY HEALTH
DEPARTMENT,

Defendants.

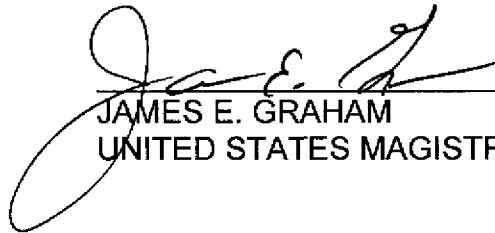
CIVIL ACTION NO. CV508-067

**MAGISTRATE JUDGE'S ORDER AND
REPORT AND RECOMMENDATION**

Plaintiffs filed this civil rights action pursuant to 42 U.S.C. § 1983 challenging the conditions of their confinement. Bernard Miller and Clifford Allen Angle have moved to proceed in *forma pauperis*. No other Plaintiff has paid the filing fee or filed the appropriate motion to proceed in forma pauperis. Plaintiffs have attempted to file a single action in order to circumvent or pro-rate payment of the filing fee. The Prison Litigation Reform Act of 1996 ("PLRA") provides that a prisoner bringing a civil action in forma pauperis must pay the full filing fee. See 28 U.S.C. § 1915(b). The Eleventh Circuit Court of Appeals has determined that the language of the PLRA requires each prisoner to pay the full amount of the filing fee or face dismissal of his case. Hubbard v. Haley, 262 F.3d 1194, 1197-98 (11th Cir. 2001).

In light of this decision, Miller's and Angle's requests to proceed in forma pauperis are hereby **DENIED**. This case should be **DISMISSED**, without prejudice. Plaintiffs should be allowed to refile their complaints individually.

SO ORDERED and **REPORTED AND RECOMMENDED**, this 12th day of December, 2008.



JAMES E. GRAHAM
UNITED STATES MAGISTRATE JUDGE